

the intent. If we intend that the attorney general shall be a lawyer and not an administrator, I suggest that by adopting this amendment we say that very clearly in the constitution and thus limit the power of the General Assembly to ever do what we do not intend it to do, that is, to make the attorney general an executive officer, rather than a lawyer for the executive department.

I urge you to support the amendment.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment?

Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, will the sponsor yield to a question?

THE CHAIRMAN: State the question.

DELEGATE SYBERT: This language will be considerably more restrictive than the other language with respect to other matters. Would your amendment not restrict the right of the legislature to permit or to require the attorney general to handle a criminal case in which the state's attorney was the defendant, because that, it would seem to me, would be pertaining somewhat to a job of the state's attorney.

Would your amendment restrict the legislature in that matter?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, it would not, because the language that immediately preceeds this on the blue paper, the Committee Recommendation, gives the General Assembly the right to prescribe by law the powers and duties of the attorney general with respect to civil or criminal cases or proceedings. An example which you cite of a criminal case where the attorney general was the defendant, under that section the General Assembly could empower the attorney general to prosecute.

DELEGATE SYBERT: It is not your purpose by this amendment to restrict the power of the legislature.

DELEGATE BAMBERGER: No, it is not intended to restrict the full power of the General Assembly to give the attorney general full authority in a civil or criminal case.

THE CHAIRMAN: Are there any other question of the sponsors of the amendment?

Delegate Mason?

DELEGATE MASON: Delegate Bamberger, would your amendment restrict the

powers of the attorney general in investigations?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, Delegate Mason, I take it that by investigations you would mean investigations to ascertain whether or not there was compliance with laws of the State or administrative regulation of agencies of the State and certainly that is the function of a lawyer and the function of a chief legal officer of the State.

THE CHAIRMAN: Delegate Mason, do you have any further question?

DELEGATE MASON: Would this amendment restrict the legislature from prescribing duties to the attorney general to coordinate and correlate the functions and powers and duties of the state's attorneys?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, sir, because I think that one of the functions of a chief legal officer is to—to use your word—coordinate and supervise the legal business of the State and part of that legal business is the work of the prosecutor.

THE CHAIRMAN: Do you have any further question, Delegate Mason?

Delegate Bennett?

DELEGATE BENNETT: May I ask a question? Could, under this amendment, the attorney general serve or could the governor appoint him ex-officio to serve on a study commission or on a board of regents or governing the advisory commission?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I think you asked three different questions.

I would think if he desired to appoint the attorney general to a study commission this would not prohibit that because the study commission would be merely an advisory body and it would not be exercising any part of the executive function of the State. I think it would prohibit the governor from appointing the attorney general as a voting member, a policy making member of such a body as the board of regents or any other administrative agency and that is part of its attention. It certainly would not prohibit the attorney general from acting as a legal adviser or counsellor for such an administrative agency but I do not believe that a lawyer